

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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RICHARD FERNANDEZ,

Plaintiff,

ORDER

-against-

17-CV-6774 (RLM)

JOSEPH'S DELI & GROCERY INC., et al.,

Defendants.
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ROANNE L. MANN, CHIEF UNITED STATES MAGISTRATE JUDGE:

By letter-motion filed on January 16, 2019, plaintiff moves to compel defendant Itay Hay Jajaj to comply with a subpoena requiring him to testify at a deposition, in connection with post-judgment discovery. See Motion to Compel (Jan. 16, 2019), Electronic Case Filing Docket Entry #25. However, plaintiff has not demonstrated that the subpoena was properly served. The subpoena attached to plaintiff's motion required Mr. Jajaj to appear for his deposition on November 14, 2018, while the affidavit of service states only that a "Good faith letter" and "Exhibit" were served on Mr. Jajaj on December 20, 2018; copies of that letter and exhibit have not been supplied to the Court, nor has plaintiff filed proof of service of the referenced subpoena. Accordingly, plaintiff's motion to compel is denied without prejudice.

Nevertheless, Mr. Jajaj is warned that he must comply with a validly served subpoena or he could be subject to contempt proceedings for failure to respond to the subpoena. If he is found to be in contempt of a subpoena, he would be subject to sanctions, including imposition of a monetary fine, attorneys' fees and costs.

Counsel for plaintiff must promptly mail a copy of this Order to Mr. Jajaj and file proof of service.

SO ORDERED.

**Dated: Brooklyn, New York
January 18, 2019**

/s/ Roanne L. Mann

**ROANNE L. MANN
CHIEF UNITED STATES MAGISTRATE JUDGE**